

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**IN RE CAPACITORS ANTITRUST
LITIGATION**

Case No. 3:14-cv-03264-JD

THIS DOCUMENT RELATES TO:
**ALL INDIRECT PURCHASER
PLAINTIFF ACTIONS**

**[PROPOSED] ORDER GRANTING
INDIRECT PURCHASER PLAINTIFFS'
MOTION FOR AN AWARD OF
ATTORNEYS' FEES AND
REIMBURSEMENT OF EXPENSES**

Date: July 6, 2017
Time: 10:00 a.m.
Place: Courtroom 11, 19th Floor
Judge: Honorable James Donato

[Proposed] Order Granting Indirect Purchase Plaintiffs' Motion for an Award of Attorneys' Fees and Reimbursement of Expenses; Case No. 3:14-cv-03264-JD

1 The Court, having reviewed Plaintiffs' Notice of Motion, Motion for an Award of Attorneys'
 2 Fees and Reimbursement of Expenses and the Memorandum of Points and the Authorities thereto
 3 ("Motion"), the pleadings and other papers on file in this Action and the argument of counsel, hereby
 4 finds that:

5 1. The Motion requests an award of attorneys' fees in the amount of \$3,737,500.00 or
 6 25% of the \$14,950,000 Settlement Fund plus interest. Further, Plaintiffs and Class Counsel request
 7 reimbursement of out-of-pocket litigation costs and expenses in the amount of \$2,558,454.00.

8 2. The Court finds Class Counsel's requested fee award of \$3,737,500.00—25% of the
 9 Settlement Fund—is fair and reasonable under the percentage-of-the-recovery method based upon
 10 the following factors: (1) the results obtained by Class Counsel in this case; (2) the risks and
 11 complex issues involved in this case, which were significant and required a high level of skill and
 12 high-quality work to overcome; (3) that the attorneys' fees requested were entirely contingent upon
 13 success—Class Counsel risked time and effort and advanced costs with no ultimate guarantee of
 14 compensation; (4) that the range of awards made in similar cases justifies an award of 25% here; and
 15 (5) that the Class Members have been notified of the requested fees and had an opportunity inform
 16 the Court of any concerns they have with the request. As such, the Court finds that the requested fee
 17 award comports with the applicable law and is justified by the circumstances of this case.

18 3. The Court has confirmed the reasonableness of IPPs' fee request by conducting a
 19 lodestar cross-check. The Court finds that Class Counsel's reasonable lodestar was \$13,139,375
 20 based on historic hourly rates for the period from November 1, 2014 to September 30, 2016. Class
 21 Counsel for IPPs' requested fee award represents less than 30% of their reasonable lodestar. This
 22 further supports the reasonableness of Class Counsel for IPPs' fee request here.

23 4. The Court finds that Class Counsel for IPPs incurred a total of \$3,444,370.13 in litigation
 24 costs and expenses in prosecuting this litigation during the time period from November 1, 2014
 25 through September 30, 2016. The Court finds that these costs and expenses were reasonably incurred
 26 in the ordinary course of prosecuting this case and were necessary given the complex nature and
 27 nationwide scope of the case. In accord with Counsel for IPPs' Class Notice Program, the Court
 28 hereby awards reimbursement of litigation expenses in the amount of \$2,558,454.00.

1 5. In sum, upon consideration of the Motion and accompanying Declarations, and based
2 upon all matters of record including the pleadings and papers filed in this action, the Court hereby
3 finds that the fee requested is reasonable and proper; and the costs and expenses incurred by Class
4 Counsel for IPPs were necessary, reasonable, and proper.

5 Accordingly, it is hereby **ORDERED** and **DECREED** that:

6 1. Class Counsel for IPPs are awarded attorneys' fees of \$3,737,500.00 (25% of the
7 \$14,950,000 Settlement Fund), together with a proportional share of interest earned on the Settlement
8 Fund for the same time period and at the same rate as that earned on the Settlement Fund until
9 dispersed to Class Counsel for IPPs.

10 2. Class Counsel for IPPs are awarded reimbursement of their litigation costs and
11 expenses in the amount of \$2,558,454.00.

12 3. The fees and expenses shall be allocated among Class Counsel by Lead Counsel for
13 IPPs in a manner that, in Lead Counsel for IPPs' good-faith judgment, reflects each firm's
14 contribution to the institution, prosecution, and resolution of the litigation.

15 4. This order shall be entered of this date pursuant to Rule 54(b) of the Federal Rules of
16 Civil Procedure, the Court finding that there is no just reason for delay.

17 **IT IS SO ORDERED.**

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19 Dated: _____

HON. JAMES DONATO
UNITED STATES DISTRICT COURT JUDGE

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21
22 Respectfully submitted,

23 Steven N. Williams
24 **COTCHETT PITRE & McCARTHY LLP**
25 840 Malcolm Road, Suite 200
26 Burlingame, CA 94010
27 Telephone: (650) 697-6000
28 Facsimile: (650) 697-0577
swilliams@cpmlegal.com

Interim Lead Class Counsel for Indirect Purchaser Plaintiffs